GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – PR&RD – Allegations of claiming of salaries irregularly in respect of Sri P.Kamal Suresh Babu, the then Jr.Asst., O/o the EE., P.R., Kavali, SPSR Nellore Dist.– Disciplinary proceedings against Sri K.Venkateswara Rao, Mandal Parishad Development Officer, Dagadarthi Mandal, SPSR Nellore District, under Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 – Article of charges – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.II) DEPARTMENT

G.O.RT.No. 789 **Dated: 30-11-2017**

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ORDER:

It is proposed to hold an enquiry against Sri K.Venkateswara Rao, Mandal Parishad Development Officer, Dagadarthi Mandal, SPSR Nellore District, in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article of charges (Annexure-I). A statement of imputations of misconduct, a list of documents by which and a list of witnesses by whom, the article of charges are proposed to be sustained are also enclosed (Annexure – II, III and IV).

3. Sri K.Venkateswara Rao, Mandal Parishad Development Officer, Dagadarthi Mandal, SPSR Nellore District, is directed to submit within ten (10) days of the receipt of this order, a written statement of his defence.

4. Sri K.Venkateswara Rao, Mandal Parishad Development Officer, Dagadarthi Mandal, SPSR Nellore District, is informed that an enquiry will be held only in respect of article of those charges as are not admitted. He should, therefore, specifically admit or deny article of charge.

5. Sri K.Venkateswara Rao, Mandal Parishad Development Officer, Dagadarthi Mandal, SPSR Nellore District, is further informed that if he does not submit his written statement of defence on or before the period specified in Para 3 above or otherwise fails or refuses to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte.

6. Sri K.Venkateswara Rao, Mandal Parishad Development Officer, Dagadarthi Mandal, SPSR Nellore District, is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri K.Venkateswara Rao, Mandal Parishad Development Officer, Dagadarthi Mandal, SPSR Nellore District, is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this G.O. shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri K.Venkateswara Rao, Mandal Parishad Development Officer, Dagadarthi Mandal, SPSR Nellore District through the Commissioner, Panchayat Raj and Rural Employment, Andhra Pradesh, Vijayawada.

Contd….P.2/

The Commissioner, Panchayat Raj and Rural Employment, Andhra Pradesh, Vijayawada.(in duplicate with a request to serve and return the dated acknowledgement copy).

Copy to:

The Director General, Anti-Corruption Bureau, Andhra Pradesh, Vijayawada.
The Secretary, Andhra Pradesh Vigilance Commission, Vijayawada.
The Panchayat Raj & Rural Development (Estt.V) Department.
S.f./S.c.

//FORWARDED::BY ORDER//

SECTION OFFICER

ANNEXURE-I

STATEMENT SHOWING THE ARTICLE OF CHARGES FRAMED AGAINST SRI K.VENKATESWARA RAO, MANDAL PARISHAD DEVELOPMENT OFFICER, PANCHAYAT RAJ DIVISION, DAGADARTHI MANDAL, SPSR NELLORE DISTRICT.

CHARGE:

That Sri K.Venkateswara Rao, while working as Mandal Parishad Development Officer, Dagadarthi failed to take action against Sri P.Kamal Suresh Babu, as supervisory officer and also failed to report the matter of unauthorized absence of Sri P.Kamal Suresh Babu either to the Chief Executive Officer, Zilla Praja Parishad, Nellore or Executive Engineer, Panchayat Raj, Kavali and allowed Sri Kamal Suresh Babu to draw salary for a period of 471 days of his unauthorized absence thereby caused loss to the Government.

Thus, Sri K.Venkateswara Rao, Mandal Parishad Development Officer, Dagadarthi Mandal, Panchayat Raj Department, SPSR Nellore District by his above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government servant and thereby contravened Rule 3(1) & (2) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Hence the Charge.

Dr. K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE –II

STATEMENT OF IMPUTATIONS OF MISCONDUCT IN SUPPORT OF ARTICLES OF CHARGES FRAMED AGAINST SRI K.VENKATESWARA RAO, MANDAL PARISHAD DEVELOPMENT OFFICER, DAGADARTHI MANDAL, SPSR NELLORE DISTRICT.

Sri Kamal Suresh Babu, Junior Assistant, was originally appointed as Junior Assistant at Mandal Parishad Development Officer Office, Ananthasagaram Mandal on 17.05.1995 on compassionate appointment grounds and he worked there up to 19.11.1999 and from 20.11.1999 to 31.07.2007 he worked at office of Mandal Parishad Development Officer Dagadarthi. Then he was transferred to office of Executive Engineer, Panchayat Raj, Kavali Division, Sri Potti Sree Ramulu Nellore District and reported on 01-08-2007 and worked up to 16.08.2007. He was sent to Office of Mandal Parishad Development Officer, Dagadarthi Mandal on deputation from the Office of Executive Engineer, Panchayat Raj, Kavali Division and was relieved on 17-08-2007 vide Rc.No.A2/JA/Vol-II and as per orders of Chief Executive Officer, Zilla Parishad, Nellore vide Rc.No.A2/5581/2006 dated:10.08.2007. He reported in the Office of Mandal Parishad Development Officer, Dagadarthi Mandal and every month he received salaries from Office of Executive Engineer, Panchayat Raj, Kavali without sending the duty certificates from the Office of the Mandal Parishad Development Officer., Dagadarthi Mandal. His post was at Office of Executive Engineer, Panchayat Raj, kavali but on deputation orders of the Chief Executive Officer, Zilla Parishad, Nellore the Executive Engineer, Panchayat Raj, Kavali relieved him from his office on deputation basis to Office of the Mandal Parishad Development Officer, Dagadarthi Mandal. The Audit report clearly establishes the un-authorized absence of Sri Kamal Suresh Babu, Junior Assistant.

As per the audit report, the P.Kamal Suresh Babu Junior Assistant absented for duty for a period of 613 (in total) and the relevant days as detailed below.

09-2009	5 days
10-2009	31 days
11-2009	30 days
12-2009	31 days
01-2010	31 days
02-2010	28 days
03-2010	31 days
04-2010	30 days
05-2010	31 days
06-2010	30 days
07-2010	31 days
08-2010	31 days
09-2010	30 days
10-2010	31 days
11-2010	30 days
12-2010	31 days
01-2010	09 days
Total absent period	471 days

Even in the explanation of Sri Kamal Suresh Babu he admitted that he was absent for a period of 590 days in between 17.8.2007 to 10.01.2011. He further admitted he was mentally upset due to his family problems and the department inadvertently had drawn the salary and some amount was credited to bank loan and the remaining was drawn by him through ATMs by his family members.

Further the auditors who were appointed verified the records categorically mentioned in the Audit Report about drawing of the salary of Sri Kamal Suresh Babu, for the absence period.

It is the bounden duty of Sri K.Venkateswara Rao, Mandal Parishad Development Officer, to personally verify about the presence of the P.Kamal Suresh Babu in the office and whether he is attending to or absconding from duties and if Sri Kamal Suresh Babu failed to attend to the duties he has to mark his absence in the Attendance Register concerned and should intimate to his parental department about his unauthorized absence from his duties. Unless duty certificate is issued by him in favour of Sri Kamal Suresh Babu, Sri Kamal Suresh Babu cannot draw his salary from his parental unit. Here in this case, Sri Kamal Suresh Babu, Junior Assistant inspite of his unauthorized absence from his duties had drawn the salary for the absence period which clearly shows the failure on the part of Sri K.Venkateswara Rao, Mandal Parishad Development Officer, in discharging his duties.

The Oral evidence coupled with the Documentary Evidence clearly establishes the slack of supervision of Sri K.Venkateswara Rao and thereby allowed Sri Kamal Suresh Babu to draw the salary for the absence period as if he attended to the duties.

Thus the Government Servant Sri K.Venkateswara Rao by his above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Govt. servant and thereby contravened Rule 3(1) (2) (5) of APCS (Conduct) Rules, 1964.

Thus the Govt. Servant therefore rendered himself liable for regular departmental action under Rule 3(1) & (2) (5) of APCS (Conduct) Rules, 1964.

Dr. K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGES FRAMED AGAINST SRI K.VENKATESWARA RAO, MANDAL PARISHAD DEVELOPMENT OFFICER, PANCHAYAT RAJ DIVISION, DAGADARTHI, SPSR NELLORE DISTRICT ARE PROPOSED TO BE SUSTAINED

1) Attendence Register of O/o Mandal Parishad Development Officer, Dagadarthi, Mandal for the years 2007, 2009 and 2010.

2) Service Book of Sri Pasupuleti Kamal Suresh Babu, Jr. Assistant, Office of the Executive Engineer, P.R. Division, Kavali, SPSR Nellore Dist.

3) Transfer Order vide Rc.No.A2/3688/2007 dated:24-07-2007 of Chief Executive Officer, Zilla Praja Parishad, Nellore.

4) Joining Report of Sri Pasupuleti Kamal Suresh Babu, Jr. Assistant, Office of the Executive Engineer, P.R. Division, Kavali, SPSR Nellore Dist.

5) Deputation Orders vide Rc.No.A2/5581/2006 dated:10.08.2007 of Chief Executive Officer, Zilla Praja Parishad, Nellore, SPSR Nellore Dist.

6) Relieving Orders of Executive Engineer, Panchayat Raj, Kavali, dated:17.08.2007 of Sri Pasupuleti Kamal Suresh Babu, Jr. Assistant, Office of the Executive Engineer, P.R. Division, Kavali, SPSR Nellore Dist.

7) Joining Report of Sri Pasupuleti Kamal Suresh Babu, Jr. Assistant, Office of the Executive Engineer, P.R. Division, Kavali, SPSR Nellore Dist. dt:17-08-07.

8) Bank Statements of salaries of Sri Pasupuleti Kamal Suresh Babu, Jr. Assistant, Office of the Executive Engineer, P.R. Division, Kavali, SPSR Nellore Dist.

9) Withdrawal Statement of salaries through ATMs of Sri Pasupuleti Kamal Suresh Babu, Jr. Assistant, Office of the Executive Engineer, P.R. Division, Kavali, SPSR Nellore Dist.

10) Remitted receipts of cash of Rs.2,80,000/- by the Sri Pasupuleti Kamal Suresh Babu, Jr. Assistant, Office of the Executive Engineer, P.R. Division, Kavali, SPSR Nellore Dist.

11) Proceedings of cancellation of deputation of Sri Pasupuleti Kamal Suresh Babu, Jr. Assistant, Office of the Executive Engineer, P.R. Division, Kavali, SPSR Nellore Dist. vide Rc.No.A1/4220/2007 dated:25-11-2010.

12) Audit Report dated:26-02-2013 by the Senior Assistant, O/o Asst. Auditor, State Audit, (Zilla Praja Parishad), Nellore.

13) Service Particulars of Sri K.Venkateswara Rao, MPDO.

Dr. K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE-IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGES FRAMED AGAINST SRI K.VENKATESWARA RAO, MANDAL PARISHAD DEVELOPMENT OFFICER, PANCHAYAT RAJ DIVISION, DAGADARTHI, SPSR NELLORE DISTRICT ARE PROPOSED TO BE SUSTAINED.

1) Sri Vemula Naga Raju, S/o. Subba Ramaiah, aged about 41 years, Caste by Yadava, Jr.Assistant, O/o Zilla Praja Parishad, Nellore, SPSR Nellore Dist.

2) Sri Kovvuru Ananda Rao, S/o. Venkata Seshaiah, aged about 53 years, Office Subordinate, O/o MPDO., Dagadarthi Mandal, SPSR Nellore Dist.

3) Smt.Darla AkulaMalayamathi, W/o. AWDK. Sekhar, aged about 55 years, Senior Assistant, O/o Zilla Praja Parishad, Nellore, SPSR Nellore Dist.

4) Kaliboga Sivakumar, S/o. Pullaiah, aged about 37 years, Office Subordinate, O/o. MPDO., Dagadarthi Mandal, SPSR Nellore Dist.

5) Gaddam Muthyam Babu, S/o. Babji Rao, aged about 47 years, Executive Engineer, Panchayat Raj Division, Kavali, SPSR Nellore Dist.

6) Smt. Suram Sridevi, W/o. Late Venkateswarlu, aged about 48 years, formerly Supdt. at the O/o. Zilla Praja Parishad, Nellore, SPSR Nellore Dist.

7) Pesala Krishna Reddy, S/o.Sanjeeva Reddy, aged about 49 years, Senior Assistant, O/o. The Asst. Audit Officer, State Audit (Z.P.), Nellore, SPSR Nellore Dist.

8) Sri A.Leela Kumar, S/o. Late Sambasiva Rao, aged about 45 years, Senior Auditor, O/o. The Asst. Audit Officer, State Audit (Z.P.), Nellore, SPSR Nellore Dist.

9) Sri B.Sarath Babu, Deputy Superintendent of Police, ACB., Nellore Range, Nellore.

10) Sri V.Sudhakar Reddy, Inspector, ACB., Nellore Range, Nellore.

11) Sri T.V.Srinivasa Rao, Inspector of Police, ACB., Nellore Range, Nellore.

12) Sri N.Siva Kumar Reddy, Inspector of Police, ACB., Nellore Range, Nellore.

Dr. K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

SECTION OFFICER